

Before the
Federal Communications Commission
Washington, D.C. 20554

FILED/ACCEPTED

JUN - 8 2007

Federal Communications Commission
Office of the Secretary

In the Matter of

DOCKET FILE COPY ORIGINAL

Telecommunications Relay Services and) CG Docket No. 03-123
Speech-to-Speech Services for Individuals)
with Hearing and Speech Disabilities)
)

**GOAMERICA'S ANNUAL COMPLIANCE REPORT
FOR IP RELAY AND VIDEO RELAY SERVICES**

GoAmerica, Inc., ("GoAmerica" or "Company"), pursuant to Sections 64.605(a)(2)(viii) and 64.605(g) of the Federal Communications Commission's ("FCC" or "Commission") Rules, 47 C.F.R. § 64.605(a)(2)(viii) and 47 C.F.R. § 64.605(g), submits this annual report on compliance with the mandatory minimum standards established for providers of Internet Protocol Relay ("IP relay") and Video Relay Service ("VRS").

I. INTRODUCTION AND SUMMARY

GoAmerica was certified by the Commission on June 9, 2006 as a provider of IP relay and VRS.¹ The Company began providing IP relay under that certification in June 2006 and VRS in December 2006, both under the i711.com brand. Consumers can access the services at several entry points: through a web site at www.i711.com; through specialized applications on T-Mobile's Sidekick devices and certain BlackBerry devices;

¹ FCC Public Notice DA 06-1244, "Notice of Certification of GoAmerica, Inc. as Provider of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunication Relay Service (TRS) Fund," ("Notice of Certification") released June 9, 2006.

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and through AOL Instant Messenger (“AIM”). Except where noted, the information that follows in this report applies to both IP relay and VRS as provided by GoAmerica.

This report incorporates by reference GoAmerica’s VRS and IP Relay Service Application² and GoAmerica’s Supplement to VRS and IP Relay Service Certification Application³ (the two documents together, the “Application”), which explained how GoAmerica would comply with the Commission’s applicable IP relay and VRS rules. GoAmerica certifies that the compliance statements made in its Application, except where specifically noted below, remain true and accurate for GoAmerica’s provision of relay services. GoAmerica also describes additional relay features provided since the release of the Notice of Certification on June 9, 2006. Finally, GoAmerica attaches a sworn declaration by Daniel R. Luis, Chief Executive Officer of the Company, attesting to the truth and accuracy of this report.

II. GOAMERICA’S APPLICATION AND CERTIFICATION

The Application explained in detail how the Company would comply with each of the standards applicable to IP relay and VRS providers. In preparation of this report, the Company has reviewed that Application for its continued accuracy in describing GoAmerica’s current operations. Based on this review, GoAmerica incorporates by reference the Application and certifies that the compliance statements made in that Application remain true and accurate for GoAmerica’s current operations, as updated in several ways as reported in the following sections.

² “VRS and IP Relay Service Application of GoAmerica, Inc,” filed in FCC Docket 03-123 on March 16, 2006.

³ “Supplement to VRS and IP Relay Service Certification Application of GoAmerica, Inc.,” filed in FCC Docket 03-123 on April 21, 2006.

A. IP Relay Call Centers

As stated in the Application, in offering its IP relay service under its own certification from the Commission, GoAmerica has continued its partnership with Nordia, Inc. (“Nordia”), a state-certificated TRS provider, with Nordia now serving as an operational subcontractor to GoAmerica. Nordia processes IP relay calls out of its own call center, and has conducted technical and operational tests to confirm that its IP relay platform can be deployed at additional call centers should the need to do so arise.

B. VRS Call Centers

GoAmerica has entered a partnership with Visual Language Interpreting, Inc., (“VLI”), whereby VLI provides to GoAmerica on a subcontractor basis qualified, nationally-certified Video Interpreters in accordance with projected calling volumes. With this labor pool now available to GoAmerica, the Company opened its first VRS call center in December 2006, and has been actively processing VRS calls since. A second VRS call center is currently under construction and is expected to start processing VRS calls in summer 2007. Additional VRS call centers are now in the planning stage.

C. Speed of Answer for IP Relay Calls

Section 64.604(b)(ii) of the Commission’s rules require that IP relay providers shall ensure adequate facilities for projected calling volumes and shall meet certain speed-of-answer requirements, namely that, measured on a daily basis 85% of IP relay calls shall be answered within 10 seconds. For the 365 days from June 1, 2006 through May 31, 2007 (“Service Year”), the speed of answer requirement was met or exceeded on [REDACTED] days, or over [REDACTED]% of the days in the Service Year.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When measured on a monthly basis, the service level did not fall below [REDACTED] for any month in the Service Year, and in fact for [REDACTED] months of the Service Year, the monthly service level was [REDACTED] or higher, leading to a generally positive end-user experience.

For the days during the Service Year where the service level, despite our substantial efforts, fell below 85%, GoAmerica and Nordia together undertook an operational review to determine the root cause of each incident, and to determine steps that can be taken to avoid a recurrence. In some of these instances, there were isolated, random, and unexpected surges of call volume that, even with prearranged excess capacity in the call center, drove the service level for the entire day below 85%. In some other instances, technical causes were identified and steps were undertaken to correct these technical issues and to provide for additional technical capacity.

GoAmerica has applied its findings from each of these incidents in a process of continual improvement and has now accumulated 26 months of historical IP relay call data and external traffic-generation factors on which to base future call center staffing

levels. GoAmerica continues to stand by its commitment to ensuring adequate facilities and meeting speed-of-answer requirements.

D. Speed of Answer for VRS Calls

Section 64.604(b)(iii) of the Commission's rules require that VRS providers shall meet certain speed-of-answer requirements. Between December 4, 2006 when GoAmerica launched its VRS and May 31, 2007 inclusive, the speed-of-answer requirement was met or exceeded on a monthly basis.

E. Training of Communications Assistants for IP Relay

In GoAmerica's Application, GoAmerica described that the training for Communications Assistants ("CAs") for its IP relay service "entail[ed] a four- to six-week training program consisting of approximately fourteen specific subject areas."

In Nordia's current operations, as a result of feedback from CAs for IP relay and operational optimizations, the training cycle has been reduced to two weeks without any measurable negative impact on performance metrics in both quality and accuracy. Even with the optimized training program, each CA must still pass examinations for each subject matter covered as well as for typing speed. This training time reduction has allowed us to grow Nordia's roster of qualified CAs more efficiently, and to keep its call center fully staffed to handle projected calling volumes.

F. Training of Communications Assistants for Video Relay

In GoAmerica's Application, GoAmerica described that each GoAmerica CA for VRS "will be required to satisfactorily complete a multi-week training program consisting of theory, practice, and examinations prior to being released to a call center workstation" and that "[e]ach CA for VRS must pass examinations for each subject

matter covered and once released to the call center to handle live calls, CAs for VRS are monitored by managers at least three times per week where they must achieve performance metrics.”

In GoAmerica’s current operations, as an outcome of the Company’s partnership with VLI, each CA for VRS (also known as a “Video Interpreter”) is certified by nationwide professional organizations. In addition to possessing national certification, each Video Interpreter has passed VLI’s rigorous quality assurance screening before being hired. As most of the Video Interpreters hired by VLI have had prior experience in handling VRS calls, and as GoAmerica’s VRS platform was designed and engineered with ease of use in mind, the amount of training required has been substantially reduced to a few days in most cases.

Once released to the call center to handle live calls, each Video Interpreter is informally monitored by VLI managers weekly, and formally reviewed for continuing quality assurance each quarter. All interpreter-specific feedback provided to GoAmerica by its VRS customers is conveyed to VLI immediately for positive reinforcement or coaching on an individual basis.

G. TRS Compliance Officer

This is to advise the Commission that GoAmerica’s TRS Compliance Officer is Mark L. Stern, GoAmerica’s Vice President of Product Management. His contact information is shown below:

Mark L. Stern
Vice President, Product Management
GoAmerica, Inc.
433 Hackensack Avenue, 3rd Floor
Hackensack, NJ 07601
Email: mstern@goamerica.com
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III. DESCRIPTION OF SUBSTANTIVE CHANGES TO TRS PROGRAM

On December 4, 2006, GoAmerica launched its VRS under its own certification. In accordance with Section 604.605(f)(2) of the Commission's rules, GoAmerica notified the Commission of this substantive change to its TRS program.⁴ GoAmerica has continued to meet or exceed mandatory minimum standards for its VRS after implementation of this change.

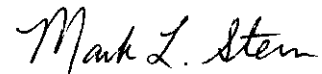
IV. CONCLUSION

As explained above and in GoAmerica's Application and as certified by the attached declaration by the Chief Executive Officer of GoAmerica, GoAmerica is in substantial compliance with all applicable IP relay and VRS mandatory minimum standards under 47 C.F.R. § 64.604. GoAmerica is firmly committed in continuing to be in compliance with these mandatory minimum standards.

⁴ "GoAmerica, Inc. – Notice of Substantive Change to TRS Program," filed in FCC Docket 03-123 on December 8, 2006.

If you have any questions regarding this report, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mark L. Stern".

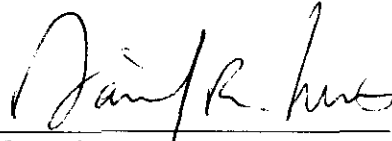
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Dated: June 7, 2007

cc: Thomas Chandler, Chief, Disability Rights Office
Greg Hlibok, Attorney Advisor, Disability Rights Office

Declaration of Daniel R. Luis

I, Daniel R. Luis, Chief Executive Officer of GoAmerica, Inc., ("GoAmerica"), and pursuant to 47 C.F.R. § 1.16, hereby declare under penalty of perjury that the representations contained in GoAmerica's June 2007 Annual Compliance Report ("Report") are true and correct.

A handwritten signature in black ink, appearing to read "Daniel R. Luis", written over a horizontal line.

Daniel R. Luis
Chief Executive Officer
GoAmerica, Inc.

June 7, 2007

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June 8, 2007

VIA HAND DELIVERY

Doc. No. 251861

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: GoAmerica, Inc. Annual TRS Certification Compliance Statement and
Request for Confidential Treatment under 47 C.F.R. §§ 0.457 and 0.459**

Dear Secretary Dortch:

GoAmerica, Inc. ("GoAmerica"), pursuant to Sections 64.605(a)(2)(viii) and 64.605(g) of the Commission's rules, 47 C.F.R. §§ 64.605(a)(2)(viii) and 64.605(g), hereby submits its Annual TRS Certification Compliance Statement (the "Statement"). Enclosed, please find a confidential, non-redacted original version of the Statement in a sealed envelope marked "Confidential" and four redacted copies of the Statement.

GoAmerica requests confidential treatment of the Statement pursuant to 47 C.F.R. §§ 0.457 and 0.459. The Statement contains confidential, commercially sensitive information that is not customarily disclosed to the public or made available within the telecommunications industry. *See* 47 C.F.R. § 0.457(d)(2). As explained below, the material for which GoAmerica seeks confidentiality falls squarely within the requirements of the Commission's rules.

- (1) ***Identification of the specific information for which confidential treatment is sought.*** GoAmerica seeks confidential treatment for the Statement, including, in particular, the performance data and metrics contained therein regarding satisfaction of the TRS program's minimum standards. Each page of the original version of the Statement is stamped "CONFIDENTIAL," and it is enclosed herewith in a sealed envelope also marked "Confidential." The four redacted copies each bear the legend "Redacted Version – For Public Inspection."
- (2) ***Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.*** The Statement is being submitted pursuant to 47 C.F.R. §§ 64.605(a)(2)(viii) and 64.605(g) to certify continued compliance with the Commission's TRS rules.

- (3) ***Explanation of the degree to which the information is commercial or financial, or contains trade secrets or is privileged.*** The Statement contains raw internal performance data that is clearly “commercial”¹ in nature. Further, the Statement is clearly “confidential” in that it “would customarily not be released to the public.”² The D.C. Circuit has explained that information “is ‘confidential’...if disclosure of the information is likely...to cause substantial harm to the competitive position of the person from whom the information was obtained.”³ This consideration is paramount in this instance, given the robust competition among IP Relay and Video Relay Service providers and among TRS providers more generally.
- (4) ***Explanation of the degree to which the information concerns a service that is subject to competition.*** GoAmerica actively competes with a number of other entities that provide IP Relay and Video Relay Service specifically, as well as other TRS providers in general. According to NECA, the TRS Fund administrator, GoAmerica competes with twelve other TRS providers.⁴
- (5) ***Explanation of how disclosure of the information could result in substantial competitive harm.*** If the confidential information in the Statement were publicly available, it would injure GoAmerica’s competitive position. Each TRS provider must comply with the Commission’s minimum TRS standards regarding, among other things, responsiveness and service availability. Because responsiveness and overall service availability are key selling points for TRS customers, access to information regarding the degree to which GoAmerica is successful in meeting those standards would be a significant advantage for GoAmerica’s competitors.
- (6) ***Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*** GoAmerica has kept confidential and has not publicly

¹ See *Board of Trade v. Commodity Futures Trading Comm’n*, 627 F.2d 392, 403 and n.78 (D.C. Cir. 1980) (giving the terms “commercial” and “financial,” as used in 5 U.S.C. § 552(b)(4), their ordinary meanings).

² *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 873 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1579 (1993) (citing the Senate Committee Report).

³ *National Parks & Conservation Ass’n v. Morton*, 498 F.2d 764, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871 (D.C. Cir. 1992).

⁴ NECA, Relay Service Providers, available at http://www.neca.org/source/NECA_Resources_2041.asp (last visited June 8, 2007).

Ms. Marlene H. Dortch

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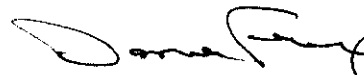
June 8, 2007

disclosed its raw performance data regarding meeting the Commission's minimum standards or its analysis of that data. Consistent with § 0.459(a) of the Commission's rules, the Statement, for which confidentiality is being requested, (i) is being submitted as an attachment to, and is covered by, this request, and (ii) because physical separation of the confidential material is not feasible, such confidential material is identified by redaction.

- (7) ***Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*** The information and data GoAmerica has redacted are not available to the public and have not been disclosed to any third parties other than the independent contractors that GoAmerica uses to provide its TRS services.
- (8) ***Justification of the period during which the submitting party asserts that material should not be available for public disclosure.*** Given the sensitive nature of the information for which confidentiality is requested and the prospect of serious competitive harm if such information is disclosed, GoAmerica respectfully requests that confidential treatment apply for as long as GoAmerica continues to provide TRS services.

For the foregoing reasons, GoAmerica respectfully requests that the Statement be treated as confidential under the Commission's rules and precedent and that only the redacted version of the Statement, enclosed herewith, be made available for public inspection. In the event that any person or entity requests access to the Statement or seeks to make any part of the confidential information part of the public record, GoAmerica also respectfully requests to be notified immediately so that it can oppose such request or take other action as necessary to safeguard its interests.

Very truly yours,



Dana Frix